

# Gregory Zimmer, Esq.

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January 11, 2021

## **VIA ECF**

Honorable Valerie Caproni, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 443  
New York, New York 10007

Re: *In re Navidea Biopharmaceuticals Litigation, Case No. 19-cv-01578-VEC*

Dear Judge Caproni:

I represent Defendant/Counterclaim Plaintiff Michael M. Goldberg, M.D. (“Dr. Goldberg”). We write to inform the court that although the Court’s Opinion and Order dated August 24, 2020 adopted the going-forward advancement protocol recommended by Magistrate Freeman which this Court noted provides that “Navidea is already required to advance fees once a month,” and although Dr. Goldberg has submitted complete billing records and detailed calculations of amounts for which he seeks advancement in compliance with the protocol each month since the Court entered its Opinion and Order, Navidea has failed and refused to meet and confer with Dr. Goldberg’s counsel or to make payments or take any other steps required by the protocol. We respectfully request that the Court either order Navidea to immediately comply with the protocol or schedule an immediate telephonic conference to address this issue.

Thank for your attention to this matter.

Respectfully submitted,

/s/ Gregory Zimmer, Esq.

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cc: Barry Kazan, Esq. (via ECF)

Alain Baudry, Esq. (via ECF)